

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN

ORDER ON MOTION

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on September 22, 2005. For the following reasons, I conclude that the defendant should be detained pending trial in this case.

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that defendant has two previous felony convictions and a number of other arrests. He was on bond on a 2004 charge of possession of methamphetamine when he was charged with both the instant offense and new state charges for assault 2nd, criminal trespassing 1st, reckless endangerment and menacing. In the latter incident, officers say defendant cut a fence to enter private property to take a car, waved a gun at the owner of the car, and used a knife to cut the victim twice. Defendant and his girlfriend, who stays with him at times, are reportedly methamphetamine addicts, and she has a 19 month old child. Defendant faces substantial jail time if he is convicted for the instant offense, in addition to the possibility of conviction on the new state charges and bond revocation in the other pending state offense. Based

on the foregoing, the court concludes that there are no conditions or combination of conditions which will reasonably assure the appearance of the defendant or protect the community and that the defendant should be detained.

Therefore, it is ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE, this 27th day of September, 2005.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE